

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

February 9, 2007

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No.:07od-003

OAHU

Issuance of Quitclaim Deed to Goon Moon Lum, and Evelyn Sau  
Lan Wong Lum; Honolulu, Oahu; TMK (1) 3-1-046:049

APPLICANT:

Goon Moon Lum (by his guardian, Timothy K.H. Lum), and Evelyn Sau  
Lan Wong Lum, husband and wife, as Tenants by the Entirety, whose  
mailing address is 4326 Kaimanahila Street, Honolulu, Hawaii  
96816.

LEGAL REFERENCE:

Sections 171-23, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Honolulu, Oahu,  
identified by Tax Map Key: (1) 3-1-046:049, as shown on the  
attached map labeled Exhibit A.

AREA:

5,104 square feet, more or less.

ZONING:

State Land Use District: Urban  
City & County of Honolulu LUO: R-10

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State  
Constitution: YES \_\_\_\_\_ NO X

CURRENT USE STATUS:

Vacant

CONSIDERATION:

\$5,650.00 (See Remarks).

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

Not applicable.

APPLICANT REQUIREMENTS:

None

REMARKS:

At its meeting of November 8, 1968, under agenda item F-16, the Board authorized the sale of remnants, including the subject property identified by tax map key (1) 3-1-046:049, to the abutting owners. The remnants were a portion of the land set aside under Governor's Executive Order (GEO) No. 1997 to the Department of Defense for the Diamond Head Military Reservation. Pursuant to the Board approval, GEO 2460 withdrew the subject State lands from GEO 1997 to allow the sale of the remnants to proceed.

Mr. Goon Moon Lum and Mrs. Evelyn Sau Lan Wong Lum (Applicants) were the owners of the property identified as tax map key (1) 3-1-046:044. The Applicants executed a Special Sale Agreement (SSA) S-5124 on October 16, 1969, agreeing to pay the purchase price (\$5,650) in twenty payments. Fiscal records indicate the Applicants paid the purchase price, document fee, map fee and conveyance tax, with the last payment made in 1974.

According to SSA 5124, the State " ... agrees with the Purchaser that upon receiving all of the payments at the time and in the manner herein provided and upon compliance by the Purchaser of all of the terms, covenants and conditions herein contained, it will execute and deliver to the Purchaser a quitclaim deed or land patent in fee simple to the said land ...."

In reviewing their 2007 Real Property Assessment Notice issued by the City & County of Honolulu, the Applicants noticed that they are not listed as fee holder of the subject property.

Pursuant to staff's research of our records and those of the Department of Accounting and General Services, Survey Division, staff determined that the Applicants were never issued a quitclaim deed or land patent although they paid all sums due in full. As shown on Exhibit A, the State issued deeds conveying the fee title of various remnants to abutting owners. Staff believes now it was an oversight that this other Applicant was never issued a document conveying the fee title by the State.

In 2004, the Family Court of the First Circuit appointed Timothy K. H. Lum, as the guardian of Goon Moon Lum. A copy of the order

is attached as Exhibit B. In view of this court appointed guardianship, staff brings the subject request to the Board to affirm the legal capacity of Timothy K.H. Lum and authorize the issuance of the quitclaim deed accordingly.

Staff did not solicit comments from other agencies on the subject request as it is merely correcting an oversight that has existed since 1974. Recent site inspection confirmed the Applicants are in compliance with the terms and conditions of the SSA. Staff has no objection to the request.

RECOMMENDATION:

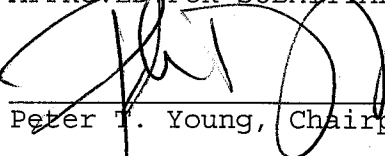
That the Board, authorize the issuance of a quitclaim deed to Goon Moon Lum (by his guardian, Timothy K.H. Lum), and Evelyn Sau Lan Wong Lum covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

- a. The Applicants shall consolidate the subject property with the Applicants' abutting property through the County subdivision process;
- b. The standard terms and conditions of the most current quitclaim deed form, as may be amended from time to time;
- c. Review and approval by the Department of the Attorney General; and
- d. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

  
\_\_\_\_\_  
Barry Cheung  
Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
Peter T. Young, Chairperson

DWG. NO. 4311  
 SOURCE: H.T.S. PLAT 2165  
 BY: H.N. / Y.N. 9/6/57

(from C.D. 8165, part B, L.C. 8559-B, 4-3-57)  
 POR. DIAMOND HEAD VIEW LOTS, UNIT 1  
 KAPAHULU (FORMERLY PAR. 3-1-48)

Subject to Change

STATEMENT OF THE TAX COMMISSIONER TAX MAP			
PLAT	SEC.	TAX MAP	DIVISION
3	1	46	
SUBJECT TO CHANGE			

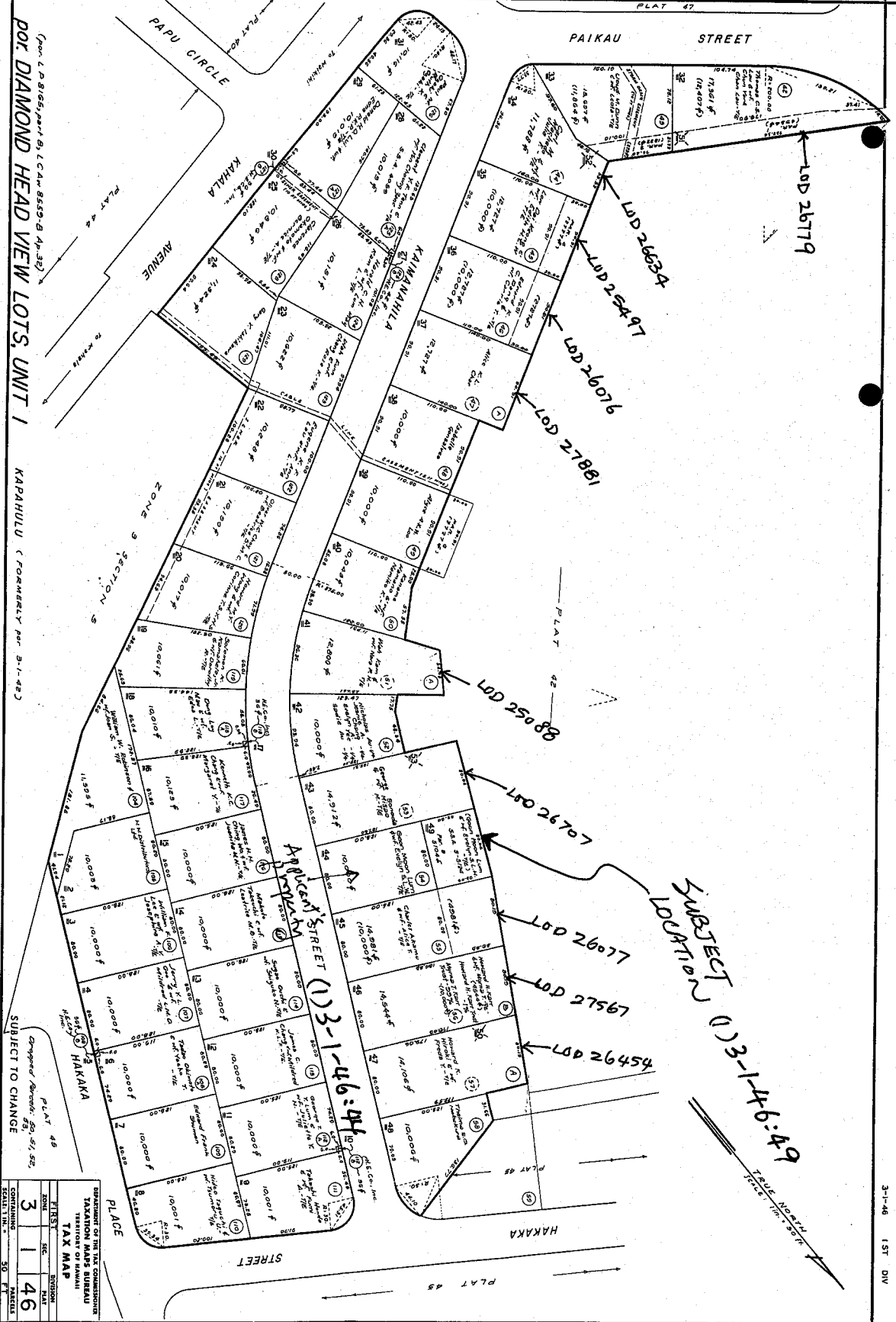


EXHIBIT "A"

Of Counsel:  
DAMON KEY LEONG KUPCHAK HASTERT  
Attorneys at Law  
A Law Corporation

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Attorneys for Petitioner  
TIMOTHY K. H. LUM

FIRST CIRCUIT COURT  
STATE OF HAWAII  
FILED

2004 NOV 24 PM 3:50

F. PAGAY  
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

IN THE MATTER OF THE PROTECTION )	G. NO. 02-1-0157
OF THE PROPERTY )	(Guardian of Adult)
)	
OF )	LETTERS OF GUARDIANSHIP: PROPERTY
)	
GOON MOON LUM, )	
)	
PROTECTED PERSON. )	
)	
)	
)	

LETTERS OF GUARDIANSHIP: PROPERTY

TIMOTHY K. H. LUM is hereby appointed Guardian of the Property of the above-named protected person.

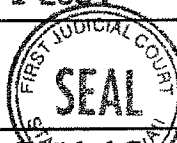
LIMITATION OF POWERS: None.

BY ORDER OF THE HONORABLE COLLEEN K. HIRAI, Judge of the above-entitled Court.

DATED: Honolulu, Hawaii

NOV 24 2004

F. PAGAY



Clerk of the Above-Entitled Court

I do hereby certify that this is a full, true, and correct copy of the original on file in this office.

Clerk, Circuit Court, First Circuit  
State of Hawaii

**EXHIBIT "B"**

Of Counsel:  
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Attorneys at Law  
A Law Corporation

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Telephone: 531-8031

Attorneys for Petitioners  
TIMOTHY K. H. LUM

FIRST CIRCUIT COURT  
STATE OF HAWAII  
FILED

2004 OCT 27 PM 2:58

F. OTAKE  
CLERK

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

IN THE MATTER OF	)	FC-G NO. 02-1-0210
THE GUARDIANSHIP	)	
	)	LETTERS OF GUARDIANSHIP OF THE
OF	)	PERSON
	)	
GOON MOON LUM,	)	
	)	
AN INCAPACITATED PERSON.	)	
_____	)	

LETTERS OF GUARDIANSHIP OF THE PERSON

TIMOTHY K. H. LUM is hereby appointed as guardian of the person of GOON MOON LUM (December 25, 1918), with all duties and powers of guardian, for the purpose of providing care and attention for said incapacitated person and having custody thereof, and of performing all procedures necessary for the incapacitated person's health, welfare and best interests pursuant to Hawaii Revised Statutes (H. R. S.) Sections 560:5-312, including the authority as limited by H. R. S. Sections 560:5-312(4) and (6), to receive funds, including periodic support for the

incapacitated person supplied by any government or any agency and tangible property deliverable to the ward and apply the money and property for the support, care, and education of the ward, and to exercise care to conserve any excess for the ward's needs.

The guardian shall provide annual reports to the Court of the condition of the ward and of the ward's estate which is subject to the guardian's possession or control and such other matters as the Court may direct within one year of October 20, 2004, and annually thereafter by the 20<sup>th</sup> of October, pursuant to H.R.S. Section 560:5-308A, as amended.

The guardian shall serve without bond and without compensation and shall be discharged upon the death of the incapacitated person or upon the death, resignation, removal or determination of incapacity of the guardian or upon further order of the Court, but termination does not affect the liability of the guardian for prior acts, nor the guardian's obligation to account for funds and assets of the ward. Resignation of the guardian of the person does not terminate the guardianship until it has been approved by the Family Court.

DATED: Honolulu, Hawaii, \_\_\_\_\_

OCT 27 2004

KAREN M. RADIUS

SEAL

\_\_\_\_\_  
Judge of the above-entitled Court

173061v1

FC-G NO. 02-1-0210, In the Matter of the Guardianship of GOON MOON LUM, An Incapacitated Person, LETTERS OF GUARDIANSHIP OF THE PERSON